

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Thursday, October 20, 2016

Approved 11/3/2016

Sturbridge Center Office Building, 2nd Floor

Meeting Called to Order: 6:00 pm. Chairman Ed Goodwin

Quorum Check: Confirmed

Members Present: Ed Goodwin (EG), Chairman
David Barnicle (DB), Vice Chair
Steve Chidester (SC)
Steve Halterman (SH)
Paul Zapun (PZ)

Others Present: Glenn Colburn (GC), Conservation Agent
Anne Renaud-Jones, Conservation Clerk
Applicants and/or Audience Members: Bear LeVangie, Glenn Krevosky, Len Jalbert, John C Stevens, Dan Minchoff, Paul Brochu, Gayle Smith

Committee Updates:

CPA: No meeting was held.

Trails Committee: Work day was held on October 19th; crew put together one half of the bridge; will be ready for installation soon on the Pinelands Trail.

Lakes Advisory Committee - Meeting is being held tonight; can report at next meeting.

Paul Zapun has joined us tonight as our newly sworn in Commissioner. Welcome Paul.

Walk Ins

Bear LeVangie of BioForest Technical Specialist:

BioForest has proposed to the SCC a study of the effectiveness of an injectable insecticide, "TreeAzin", to combat gypsy moth defoliation. The Study area would be Leadmine Mountain, in the Gateway Trail area - and would be done in the Fall of 2017. The study would involve 90 trees: 30 trees treated in September, another 30 in October, and another in November. Hope is that in spring, the insecticide would then exist in the tree leaves and affect the caterpillars as they hatch and begin to feed. - Commissioners asked questions and ascertained the following: - The chemical does not affect the fungus that naturally infects the caterpillars and protects the trees from this infestation (outside of drought conditions) .

- The purpose of the study is research; and goal is to confirm the treatment targeted at Gypsy Moths is effective with Fall applications. - Test Control is an additional 30 specified trees which will receive no treatment. - Measure of success is the non-defoliation of the tested trees.

- Agent will share this proposal to seek approval from Fish&Game (holder of the CR of this property).
Commissioner CONSENSUS to approve and seek F&G approval.

John Stevens, 460 Leadmine Rd, with Glenn Krevosky of EBT Environmental: Mr. Stevens has finished his wetlands restoration work, and is asking the Commission to reconsider his fine, which built to a sum total of \$7,475 as of Oct 6th, when the Agent visited the site and confirmed completion of the project.

-- Mr. Stevens explained to the Commission that he never had any intent to delay or stonewall this restoration; he maintains that he had encountered a series of unanticipated delays, beginning with problems with contractors who had equipment problems; and the Mr. Stevens was hospitalized and unavailable to either conduct the business of his restoration or contact us regarding the work deadlines he had been assigned. The full history (dates) of this project was unavailable; Commission asked for a documented history to review; Commission agreed that they were willing to review details of this project history. Agent and Commissioners were all clear that the restoration work was done beautifully and completely, exactly as they had hoped.

Public Hearings

6:15 **Notice of Intent: DEP#300-969: 55-56 Bennetts Road; Gayle A. Smith:** rep: Jalbert Engineering: Raze and Rebuild SFH in the buffer zone. Len Jalbert presenting; documents presented: Abutter Notification Certificates of Mailing, and Legal Ad tear sheet; LJ noted original plan was submitted at standard 1:20 ratio, but was re-submitted at 1:10 for better legibility; Zoning has already seen and approved this project as not increasing impact. BOH has already approved septic system;
-- This project is raze of existing cottage and rebuild of small 2-story home with new well and new septic system; House portion will be built on old footprint ; attached garage adds add'l 12ft width to the building , with outside stairway to 2nd level living space..... House location is skewed on the lot. The rebuild is remaining on exact footprint of existing structure with expansion to the south side for garage & 2nd story; Size is 16x 28ft; new 4ft frost wall will be poured: Lot is already non-conforming; house cannot be moved further away from Lake because it would more non-conforming... Proposed project includes new garage 12x21ft with a deck; closest point of the house to the lake is 27ft; 2nd floor of garage is for storage; Applicant desires attached garage for safety reasons. Back side of house (lakeside) will have walkout cellar to patio; so that area will be flattened... will dig 8ft down; this area encroaches about 6ft into 25ft bz;
-- Septic system size is 13x 30ft; system is a Presby system; small compact system, bottomless sand sys- approved by BOH ; its location is across the road, which prevents garage from locating there.... Report submitted from Stur Tree Warden confirming need for removal of 4 trees for construction of the leach field.
-- Agent: concerned about digging for foundation in area of 8% slope down to the water... the retaining wall clearly goes into our 25ft buffer zone; would prefer to see a deck hanging over that area than digging that area for the patio... Commission expressed concerns about a new structure (garage) within 50ft: Retaining wall reaches to a point 19ft from the lake; Commission requested that Applicant review existing plan to seek alternatives for patio. **Applicant requests continuance to November 3rd. Commission granted by consensus; AIF, 5:0**

6:30 **Notice of Intent: DEP#300-968: 72 South Shore Drive; Paul & Suzanne Brochu;** rep Jalbert Engineering; Replacement of a failed septic system within the buffer zone. Paul Brochu and Len Jalbert, Jalbert Engineering presenting: LJ: this project is a replacement of a failed septic system; the system will be installed on the northern side of the lot; (this is a tight lot) new system will be gravity-fed from the tank; location is 64ft from lake, 50ft from existing well; the location is not very flexible - there is a steep slope to the south. Size is 18x22ft; new system cannot be placed on same site of old system due to that site being a higher elevation than the basement of the house. Only one tree needs to be removed; BOH hearing is week of 10/24th; **Motion: SH, 2nd DB; to close the public hearing, approve this plan as presented, and issue an Order of Conditions. Commission requests replanting of 2 trees or appropriate bushes to compensate for lost tree. Vote: AIF (5:0)**

Request for Certificate of Compliance

DEP #300-441 and 300-425, 15 Lauren Lane: Agent is waiting for owner to complete necessary work.

Letter Permits

50 Hall Road, OFS. Tree removal, 7 trees APPROVED; replanting of 3 trees near parking lot (seeking salt-tolerant species)

72 Farquhar Rd, Nicholas Iozzo, 6 trees APPROVED; no replanting is required.

Enforcement

- **8 Birch Street, Richard DiBonaventura.** Work in the buffer zone without permits.
-- New owner has come in to see multiple departments about what can be done on this property and how to proceed. He will come in again to see Agent GC once the property transfer has been completed.
- **9 Holland Road, Richard DiBonaventura** Work in the Riverfront Resource Area without permits.
-- Agent sought advice of Town Council regarding our option to go on site to do repairs, which Council

stated would be illegal; Only other option is to go through the courts, and have a judge order the repair. He suggested continuing the fines in the meantime. Agent GC has visited this site and went down to the waters' edge; the sand plume does fan out into the middle of the current and is being washed downstream at that point creating a 1:1 slope under water; Agent will call DEP to investigate how they may be able to assist us in this enforcement. Commission requested that a letter be sent to both Paquette Builders and DiBonaventura stating the amount of fines accrued to date.

- **3 Ladd Road, Robert Briggs.** Work in the buffer zone without permit.
-- Notice of Intent has been filed and is scheduled for Hearing on Nov 3rd. NOI has been submitted for "landscaping in the buffer zone". Agent had advised Briggs to apply for everything they wanted, and let the Hearing discussions begin from that point.

Approval of minutes: October 6, 2016; Motion (DB) 2nd (SC) to approve minutes of Oct 6, 2016 as presented. Vote 4:0 (PZ abstain)

Old Business

DB had conversation w BB (**Finance Department**) relevant to being able to get a revolving fund going for (received) fines monies - she looked at every single existing revolving fund; none of which would be appropriate for the purpose I outlined; BB said she would be willing to work with us to develop a new revolving fund - w very specific items on it - for us to accumulate the monies from fines, which can then be used for wetland protection actions; DB volunteered to work w BB in researching this and reporting back to the Commission for input/discussion; DB asked Commission to think about how these funds could be used; e.g supporting wetlands replication projects by obtaining professional services for monitoring through their 5 year follow-up period.....

New Business

DB shared a brochure published by the Town of Southborough relating to the Wetlands Protection Act; and suggested that the Cons Dept consider creating a similar publication for Sturbridge residents. GC shared that we have a similar publication published by MACC- This will be emailed to Commissioners to review.

Signatures:

Signed: Certificate of Compliance: 21 Long Ave; DEP#300-899; (part of Mountain Brook project)

Signed: Enforcement Order: 63 Beach Ave; DEP#300-451; David Cane; for removal of concrete patio

Agent's Report

Gardiner Farm, 14 & 50 Douty Rd; Notification (Notification to Remove land from Chapter 61) was reviewed by Town Council and found to be incomplete - It was returned for correction and resubmittal.

Motion to Adjourn

7:50 pm -- Motion (SC) 2nd (DB) to adjourn the meeting; **Vote: AIF 5:0**

Next Meetings: Thursday, November 3, 2016, starting at 6:00 pm;
Commission will resume work on Bylaws review.

A copy of tonight's meeting can be found on our Town's website or is available upon request via the Audio Department: 508.347.7267